

## REMARKS

### I. STATUS OF CLAIMS

Claims 4, 5, 20, 21, 40, 41, 49, 50, 57, 58, 70 and 71 are canceled herein without prejudice or disclaimer.

Claims 1, 17, 35, 46, 54, 66 and 67 are amended herein. No new matter has been added.

In view of the above, it is respectfully submitted that claims 1-3, 6-19, 22-39, 42-48, 51-56, 59-69 and 72 are currently pending in this application.

### II. COMMON OWNERSHIP

In the Office Action, claims 4, 5, 8-12 and 49-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Izuka (U.S. Patent 5,555,228) in view of **Lee (U.S. Patent 6,857,127)**. Claims 20, 21, 24-28, 40, 41, 57, 58, 70 and 71 were also rejected under Izuka (U.S. Patent 5,555,228) in view of Suzuki (U.S. Patent 6,741,543), and further in view of **Lee (U.S. Patent 6,857,127)**.

It is respectfully submitted that these rejections be withdrawn because **this present application (U.S. Serial No. 10/705,238) and Lee (U.S. Patent 6,857,127) were, at the time the invention of the present application (U.S. Serial No. 10/705,238) was made, owned by Samsung Electronics Co., Ltd.**

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the Examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. See, MPEP § 706.02(I)(2).

Moreover, Applicants are enclosing herewith a copy of the U.S. Assignment recorded in the U.S. Patent and Trademark Office in accordance with 37 CFR Part 3 which convey the entire rights in the present applications to **Samsung Electronics Co., Ltd.**

Therefore, it is respectfully submitted sufficient evidence has been established to disqualify Lee (U.S. Patent 6,857,127) from being used in a rejection under 35 U.S.C. § 103(a) against the claims of this present application (U.S. Serial No. 10/705,238).

**III. REJECTION OF CLAIMS 1-3, 6, 7, 13-16, 46-48, 52 AND 53 UNDER 35 U.S.C § 102(b) AS BEING ANTICIPATED BY IZUKA (U.S. PATENT 5,555,228)**

Claim 1 as amended specifically recites, amongst other novel features, "a position of a **neutral zone** between the **first and third magnet parts** and a position of a neutral zone between the **second and fourth magnet parts along a focusing direction are changeable in order to optimize a tracking sensitivity**". (Emphasis added). Claim 46 as amended recites somewhat similar features. Izuka fails to disclose, teach or suggest these features.

In the Office Action, the Examiner concedes that Izuka fails to disclose these features. See, for example, page 5, item 15 of the Office Action.

Therefore, it is respectfully submitted that the rejection is overcome with respect to claims 1 and 46 over Izuka.

Although the above comments are specifically directed to claims 1 and 46, it is respectfully submitted that the comments would be helpful in understanding differences in claims 2, 3, 6, 7, 13-16, 47, 48, 52 and 53 over Izuka.

**IV. REJECTION OF CLAIMS 4, 5, 8-12 AND 49-51 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER IZUKA (U.S. PATENT 5,555,228) IN VIEW OF LEE (U.S. PATENT 6,857,127)**

The above comments for distinguishing over Izuka, and with respect to "Common Ownership" also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection be withdrawn.

**V. REJECTION OF CLAIMS 17-19, 22, 23, 29-39, 42-45, 54-56, 59-68 AND 72 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER IZUKA (U.S. PATENT 5,555,228) IN VIEW OF SUZUKI (U.S. PATENT 6,741,543)**

Claims 17 and 35 as amended specifically recite, amongst other novel features, "a position of a **neutral zone** between the **first and third magnet parts** and a position of a neutral zone between the **second and fourth magnet parts along a focusing direction are changeable in order to optimize a tracking sensitivity**". (Emphasis added). Claims 54 and 66 as amended recite somewhat similar features. Izuka and Suzuki, either singularly or in combination, fail to disclose, teach or suggest these features.

In the Office Action, the Examiner concedes that Izuka fails to disclose a position of a neutral zone between the first and third magnet parts and a position of a neutral zone between

the second and fourth magnet parts along a focusing direction are changeable in order to optimize a tracking sensitivity. See, for example, page 5, item 15 of the Office Action. Applicants respectfully submit that Suzuki fails to cure the deficiencies found in Izuka.

Instead, Suzuki merely discloses a configuration of a lens driving apparatus employing plane coils wherein the positional relationships between the V-shaped drive coil 140 and the V-shaped magnet 11, and between the inverted V-shaped drive coil 190 and the inverted V-shaped magnet 12 are described. See, for example, figure 17, and column 21, lines 1-4 of Suzuki. In Suzuki, the V-shaped drive coil 140 is fixed to one side (a first side) 33a of the lens holder 30, the first side being perpendicular to the direction of jitter, and is arranged opposite to the V-shaped magnet 11 or magnetic flux imparting means with a predetermined magnetic gap interposed therebetween. See, figure 17, and column 21, lines 5-9 of Suzuki. Further, the inverted V-shaped drive coil 190 is the V-shaped drive coil 140 that is rotated by 180 degrees, and fixed to the other side (the second side) 33b of the lens holder 30, the second side being perpendicular to the direction of jitter. The drive coil A (third coil) 143 and the drive coil B (fourth coil) 148, which constitute the inverted V-shaped drive coil 190, are arranged opposite to the inverted V-shaped magnet 12 with a predetermined magnetic gap interposed therebetween. Thus, the drive coil A (first coil) 143 of the V-shaped drive coil 140 and the drive coil B (fourth coil) 148 of the inverted V-shaped drive coil 190 are arranged opposite to each other via the lens holder 30. See, figure 17, and column 21, lines 9-25 of Suzuki.

However, it is respectfully submitted that Suzuki fails to disclose, teach or suggest "a position of a **neutral zone** between the **first and third magnet parts** and a position of a neutral zone between the **second and fourth magnet parts along a focusing direction are changeable in order to optimize a tracking sensitivity**", as specifically recited by Applicants in, for example, claims 17 and 35. Instead, Suzuki merely teaches how the V-shaped drive coil 140 is fixed to one side (a first side) 33a of the lens holder 30, and is arranged opposite to the V-shaped magnet 11 or magnetic flux imparting means with a predetermined magnetic gap interposed therebetween. See, figure 17, and column 21, lines 5-9 of Suzuki. The feature of a how a position of a neutral zone between the first and third magnet parts and a position of a neutral zone between the second and fourth magnet parts along a focusing direction are changeable in order to optimize a tracking sensitivity is absent in Suzuki. Therefore, Izuka and Suzuki, either singularly or in combination, fail to disclose, teach or suggest the features of Applicants claimed invention, as specifically recited in, for example, claims 17, 35, 54 and 66. Further understanding and appreciation for Applicants' claimed invention as recited in claims 17, 35, 54 and 66 would be found in, for example, FIGS. 4 and 7, page 5, paragraphs [0052]-[0057]

and [0065] of the specification of this present application.

In view of the above, it is respectfully submitted that the rejection is overcome.

Although the above comments are specifically directed to claim 17, 35, 54 and 66, it is respectfully submitted that the comments would be helpful in understanding differences in various other claims over the cited references.

**VI. REJECTION OF CLAIMS 20, 21, 24-28, 40, 41, 57, 58, 70 AND 71 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER IZUKA (U.S. PATENT 5,555,228) IN VIEW OF SUZUKI (U.S. PATENT 6,741,543), AND FURTHER IN VIEW OF LEE (U.S. PATENT 6,857,127)**

The above comments for distinguishing over Izuka and Suzuki, either singularly or in combination, also apply here, where appropriate.

Moreover, the above comments with respect to "Common Ownership" also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection be withdrawn.

**V. CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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